

Teleworking Program

Purpose

Permits agencies to designate employees to work at alternate work locations for all or part of the workweek in order to promote general work efficiencies. The Office of State Personnel has established these rules so that teleworking may be offered by State agencies as a work option to ensure competitive advantages with other employers and to meet the environmental and budgetary challenges of the future as directed by the legislature and governor. Pursuant to the mandate contained in G.S. 126-1 to apply the best methods of personnel administration as evolved in business and industry, the Office of State Personnel has established the following rules to provide assistance to agencies in developing teleworking programs.

Advisory Note: Teleworking programs must be designed so that a reasoned determination can be made as to the benefits of teleworking within North Carolina State government. It is recognized that a public employer has a special obligation to insure that employees and work resources are being used efficiently and productively.

Covered Employees

Type of Appointment	Is Employee Eligible?	
	Yes	No
Full-time or part-time (half-time or more) Permanent, probationary, trainee, or time-limited	x	
Temporary, intermittent, or part-time (less than half-time)		x

The decision whether to allow a position or an employee to telework is wholly within management discretion and is not appealable to the State Personnel Commission.

Definitions

Alternate Work Location: a worksite other than a central workplace can include employees' homes and satellite offices where official State business is performed.

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Teleworking Program, Continued**Definitions
(continued)**

Central Workplace: an employee's assigned place of work or duty station owned or operated by the State or a site that is the primary workstation for field based employees. Typically a central workplace is a duty station from which an employer along with employees in the same work unit perform the functions of their job. However an employee's home, in instances in which it is the primary workstation for field based employees, may be considered the central workplace.

Telework/Teleworking: a flexible work arrangement in which supervisors direct or permit employees to perform their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms. It does not include work performed at a temporary work-site for limited duration.

Teleworker: an employee engaged in teleworking.

Teleworking Agreement: a written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking

Work Schedule: The employee's hours of work in the central workplace and/or in alternate work locations

**OSP
Responsibility**

The Office of State Personnel will administer an office to provide guidance to State agencies developing teleworking programs and to monitor the savings provided by such programs. Agencies shall report teleworking activities to the Office of State Personnel.

**Agency
Designates
Position/
Employee**

Agencies may allow employees to engage in teleworking in compliance with these rules. Each agency that permits teleworking must establish internal policies and procedures that identify the criteria for jobs that are designated as telecommutable and shall identify the criteria for selecting employees who are eligible to engage in teleworking. The agency and employee shall mutually agree upon teleworking arrangements; however, if business necessity dictates, an agency may require an employee to telework or not to telework.

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Teleworking Program, Continued

Agency Designates Position/Employee

Advisory Note: Offering the opportunity to work at home is a management option; teleworking is not a universal employee benefit. Any teleworking situation is voluntary for the employee and at the discretion of management and/or the employee's supervisor.

Conditions of Employment

The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not be limited to performance management. Teleworking assignments do not change the conditions of employment or required compliance with policies and rules.

Designation of Terms of Teleworking Arrangements

All teleworking arrangements shall be written and include the responsibilities of both the agency and the employee. Each participant in a teleworking arrangement must sign the document that contains the terms of the teleworking arrangement. At a minimum, the document shall define the parameters of the teleworking arrangement and shall comply with the policy provision below:

- 1) Compensation and Benefits: An employee's compensation and benefits will not change when he/she teleworks.
- 2) Safety and Liability – An agency shall establish procedures that provide reasonable assurance that materials, equipment and furniture supplied the employee at the alternate work location comply with safety standards.

Advisory Note: Since the employee's home work space is an extension of the agency work space, the State's liability for job-related accidents will continue to exist during the employee's approved work hours and the employee's designated work location.

- 3) Restricted-Access Materials: Agency supervisors must grant permission for teleworkers to work on restricted-access information or materials at alternate work locations. Teleworkers shall agree to follow agency-approved security procedures in order to ensure confidentiality and security of data.
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Teleworking Program, Continued

**Designation of
Terms of
Teleworking
Arrangements
(continued)**

- 4) **Work Hours:** The total number of hours that employees are expected to work will not change, whether they are worked at the central or at the alternate work location. This does not, however, restrict the use of alternative work schedules. Agencies must ensure that procedures are in place to track the work hours of employees who telework and to document the hours worked by employees covered by the Fair Labor Standards Act. Employees shall apply themselves to their work during designated work hours and not engage in other activities that are not work-related.
 - 5) **Equipment and Software:** An agency shall set forth in their policies and procedures conditions by which the State will pay for telephone and services furnished to teleworkers.
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**Termination of
Teleworking
Arrangement**

The agency may terminate the teleworking agreement at its discretion. Termination of a teleworking arrangement by management is not grievable to the State Personnel Commission under personnel policies. All other grievable rights shall be set forth in agency policy.
